

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
OCT. 22 2003  
MISCELLANEOUS  
& STATE RECORDS

County  
City of.....Chester.....  
Town  
Village

Local Law No. ....7..... of the year 2003

A local law .....Highway Interchange Overlay District.....  
(Insert Title)  
.....  
.....  
.....

Be it enacted by the ..... of the  
(Name of Legislative Body)

County  
City of.....Chester..... as follows:  
Town  
Village

See Local Law #7 attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. .....7..... of 2003- of the (County)(City)(Town)(Village) of Chester was duly passed by the Village of Chester on October 6, 2003, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19...., and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the ..... and was deemed duly adopted on ..... 19...., *(Elective Chief Executive Officer\*)* in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19...., and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the ..... on ..... 19.... . Such local law was submitted *(Elective Chief Executive Officer\*)* to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ..... 19...., in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19...., and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the ..... on ..... 19.... . Such local law was subject to *(Elective Chief Executive Officer\*)* permissive referendum and no valid petition requesting such referendum was filed as of ..... 19...., in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

*Elizabeth S. Kreher*

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: October 10, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Orange

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Kenneth J. Frank*

Kenneth J. Frank

Village Attorney  
Title

County  
City of Chester  
Town  
Village

Date: 10/24/03

## Village of Chester

### Local Law No. 7 of the year 2003

A local law entitled "HIGHWAY INTERCHANGE OVERLAY DISTRICT"

Be it enacted by the BOARD OF TRUSTEES of the

Village of Chester as follows:

**Purpose.** The Village Board has determined that as a result of the reconfiguration of Exit 126 on New York State Route 17 (future I-86) and New York State Route 94, that parcels which will front on the new Route 94, currently zoned as M-1 Light Industrial-Research, may be better suited for development consistent with certain uses permitted in the Village's B-1 Neighborhood Business and B-2 General Business districts. The Village Board further determines that rather than re-zone such properties and thus preclude light industrial and research uses, that a new overlay district, "HIO - Highway Interchange Overlay" district should be applied to such properties to permit either M-1 uses or certain B-1 and B-2 uses as Special Permitted Uses. While the purpose of the "HIO - Highway Interchange Overlay" district is to permit flexibility in commercial development, adjoining residential uses must also be protected.

**Section 1.** The Code of the Village of Chester Chapter 98 Zoning, Sections 98-3, 4, 5 and 6 are amended to add a definition of a "Convenience Store" and a "HIO - Highway Interchange Overlay" district as follows:

§98-3. Add "CONVENIENCE STORE - a retail shop where a variety of goods are sold, including sandwiches prepared on or off site, dairy products, meats, drinks, sundries, tobacco, stationary, sundries, magazines, newspapers, hardware, over the counter medicines and, as an accessory use on the same lot. If any portion of the lot is within 100 feet of any residentially zoned property, then gasoline may be sold by means of up to four gasoline filling pumps, *i.e.*, to serve up to eight automobiles at one time, or if not within 100 feet of any residentially zoned property, then gasoline may be sold by means of up to eight gasoline filling pumps, *i.e.*, to serve up to sixteen automobiles at one time. All wares will be stored within a building.

§98-4. Add "HIO - Highway Interchange Overlay" to the list of classes of districts.

§98-5. Amend the Zoning Map of the Village of Chester to incorporate a HIO - Highway Interchange Overlay district for tax map numbers, 116-1-1, 117-2-4, 117-1-2, and 117-1-1.1 and that the Village Zoning Map be amended accordingly.

§98-6. Amend the Schedule of District Regulations to provide that in the HIO - Highway Interchange Overlay district, B-1 permitted uses 2, 3, 4, and 5 and B-2 uses 2, 3 and 6, and a Convenience Store as defined in §98-3 are Special Permitted Uses. Such

Special Permitted Uses will comply with the most restrictive minimum lot size, yard setback, coverage, height and parking requirements between either the B-1, B-2 or M-1 district as the Planning Board may direct. In the event such Special Permitted Uses are located on a lot adjoining or within 100 feet of any residentially zoned property, then the Planning Board will provide for adequate year round screening, architectural consideration and other conditions to protect the residential neighborhood. The Planning Board may increase setback requirements to achieve this requirement.

The minimum lot size for a shopping center in the HIO district is three acres. The minimum dimensional and parking requirements for a Convenience Store are the more restrictive for retail uses in the B-1 or B-2, subject to the Planning Board's authority above.

Section 2. Repealer. All Ordinances, parts of Ordinances, or Local Laws inconsistent or in conflict with this Local Law are hereby repealed.

Section 3. Severability. In the event that any clause, sentence, section or other part of this Local Law is declared to be invalid, such invalidity shall not affect the remainder of this Local law.

Section 4. This Local Law shall become effective immediately upon filing with the Office of the Secretary of State pursuant to the Municipal Home Rule Law.